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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/759,951

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Daryl Carvis Cromer

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EXAMINER

LONG, HEATHER R

ART UNIT

PAPER NUMBER

2615

5

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,951

Applicant(s)

CROMER ET AL.

Examiner

Heather R Long

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "58" has been used to designate both receiver/transmitter and card slot. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilkins et al. (U.S. Patent Application Publication 2003/0231240).

Regarding claim 1, Wilkins et al. discloses a method for generating and distributing a digital photographic proof, the method comprising the steps of: generating an altered image by altering the original image data to produce altered image data; storing the altered image data in an electronic file; storing

encrypted instructions in the file with the altered image data, the instructions describing a method for reversing an alteration method utilized to alter the original image to produce the altered image data; produce a digital photographic proof utilizing the file by displaying the altered image, wherein all users are permitted to view the altered image; and permitting only authorized users to utilize the encrypted instructions to reproduce the original image from the altered image data, wherein only authorized users may reproduce the original image, and further wherein the single electronic file is utilized to both produce a digital photographic proof and to reproduce the original image (paragraphs [0044] and [0045]).

Regarding claim 2, Wilkins et al. discloses a method further comprising the steps of: providing a decryption key in response to a user purchasing a right to reproduce the original image from the altered image, wherein the user becomes an authorized user in response to the purchase; and utilizing the decryption key to decrypt the encrypted instructions, wherein only authorized users may decrypt the encrypted instructions (paragraph [0045]). Although Wilkins et al. does not specifically state a decryption key it is inherent that one would gain access to one once the user purchases rights to the high-resolution digital photo in order to decrypt the encryption key that has been used to secure the image.

Regarding claim **3**, Wilkins et al. discloses in Figs. 4 and 5 a method further comprising the step of capturing the original image utilizing a digital camera (paragraphs [0025], [0080], and [0084]).

Regarding claim **4**, Wilkins et al. discloses a method further comprising the steps of: generating the instructions describing the method for reversing the alteration method; encrypting the instructions; appending the encrypted instructions to the altered image data; and storing the encrypted instructions and the altered image together in the file (paragraphs [0042], [0045], and [0053]).

Regarding claim **5**, Wilkins et al. discloses a method further comprising the step of storing the original image data outside of the camera, the original image data required in order to reproduce the original image (paragraph [0044]).

Regarding claim **6**, Wilkins et al. discloses a method further comprising the steps of: selecting the alteration method to use to alter the original image data; altering the original image data to produce the altered image data; and storing the altered image data in the electronic file (paragraph [0031]).

Regarding claim **7**, Wilkins et al. discloses a method further comprising the steps of: generating the instructions describing the method for reversing the alteration method; encrypting the instructions; appending the encrypted instructions to the altered image data; and storing the encrypted instructions and the altered image together in the file (paragraphs [0031] and [0045]).

Regarding claim **8**, Wilkins et al. discloses a method further comprising the step of distributing the digital photographic proof in a digital format to a potential purchaser utilizing a floppy diskette (paragraph [0044]).

Regarding claims **9-16**, these are apparatus claims corresponding to the method claims 1-8. Therefore, claims 9-16 are analyzed and rejected as previously discussed with respect to claims 1-8.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Shaffer et al. (U.S. Patent 5,784,641) discloses a secure method for granting customer access to images and image related services at an image fulfillment center, includes the steps of: scanning a customer film image to generating high and low resolution digital versions of the image; appending a unique ID and associated security key to the high resolution version of the image and storing the appended image at the fulfillment center; encrypting the ID with a shared encryption key and appending the encrypted ID and the security key to the low resolution version of the image and sending the appended low resolution image to the customer; using the security key to encrypt a request for services relating to the high resolution version of the image and sending the encrypted ID with the encrypted request to the fulfillment center; decrypting the ID using the shared encryption key at the fulfillment center and using the decrypted ID to

retrieve the appended high resolution version of the image; and retrieving the key from the appended high resolution version of the image and employing the key to decrypt the request for services.

b. Crosby et al. (U.S. Patent 6,577,311) discloses a method for generating and distributing a digital photographic proof, the method comprising the steps of: generating an altered image by altering the original image data to produce altered image data; storing the altered image data in an electronic file; storing encrypted instructions in the file with the altered image data, the instructions describing a method for reversing an alteration method utilized to alter the original image to produce the altered image data; produce a digital photographic proof utilizing the file by displaying the altered image, wherein all users are permitted to view the altered image; and permitting only authorized users to utilize the encrypted instructions to reproduce the original image from the altered image data, wherein only authorized users may reproduce the original image, and further wherein the single electronic file is utilized to both produce a digital photographic proof and to reproduce the original image.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R Long whose telephone number is 703-305-0681. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HRL
April 28, 2004



NGOC-YEN VU
PRIMARY EXAMINER